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UNCLAS VATICAN 006064

SIPDIS

DEPT PLEASE PASS USTR; DEPT ALSO FOR EB/TPP/MTA AND EUR/WE  
(D. MENNUTI)

E.O. 12958: N/A

TAGS: [ETRD](#) [VT](#) [WTO](#)

SUBJECT: HOLY SEE FEARS FAILURE ON TRIPS IN WTO TALKS WOULD  
POSE SERIOUS HUMANITARIAN REPERCUSSIONS; URGES COMPROMISE

REF: DEILY-HARDT TELCON 12/19

1. (U) THE HOLY SEE CONTACTED THE EMBASSY DECEMBER 19 TO  
CONVEY ITS URGENT CONCERNS ABOUT THE POTENTIAL FAILURE OF  
ONGOING NEGOTIATIONS AT THE WTO GENERAL COUNCIL IN REGARD TO  
TRIPS AND PUBLIC HEALTH. IN A NON-PAPER DELIVERED TO THE  
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EMBASSY (TEXT BELOW), THE HOLY SEE CHARACTERIZED THE U.S. AS  
BEING ALONE IN OPPOSITION TO THE CURRENT CHAIRMAN'S TEXT, AND  
SUGGESTED THAT THIS "BLOCKAGE" WOULD "RESULT IN SERIOUS HARM"  
TO MILLIONS IN DEVELOPING COUNTRIES AT RISK FROM HIV/AIDS,  
MALARIA, TUBERCULOSIS, AND OTHER PUBLIC HEALTH CRISES, WHILE  
ALSO DAMAGING A RULES-BASED TRADE SYSTEM. EMBASSY  
UNDERSTANDS THAT HOLY SEE PERMANENT OBSERVER TO THE WTO,  
DIARMUD MARTIN RAISED THIS CONCERN WITH THE SECRETARIAT OF  
STATE AND REQUESTED THEIR INTERVENTION WITH THE EMBASSY.  
AMBASSADOR HAS ALSO RECEIVED A REQUEST FROM VATICAN-BASED  
MEDIA TO COMMENT ON THE U.S. POSITION IN THESE NEGOTIATIONS.  
PER REF DISCUSSION, EMBASSY WILL DEFER PUBLIC COMMENT UNTIL  
AFTER THE CONCLUSION OF CURRENT ROUND OF TALKS DECEMBER 20.  
WE WILL ALSO CONVEY TO THE HOLY SEE OUR STRONG DESIRE TO  
ENSURE LIBERAL LICENSING ARRANGEMENTS FOR THOSE MEDICINES  
RELATING TO HIV/AIDS, TUBERCULOSIS, MALARIA AND OTHER  
INFECTIOUS EPIDEMICS OF SIMILAR GRAVITY CITED BY THE HOLY SEE  
IN ITS NON-PAPER. AS THE NON-PAPER CONCLUDES, THE HOLY SEE  
WOULD VIEW A FAILURE OF THE TALKS AS "A MATTER OF SERIOUS  
ETHICAL AND HUMANITARIAN CONCERN."

2. (U) THE FULL TEXT OF THE HOLY SEE'S NON-PAPER FOLLOWS:

BEGIN TEXT:

THE HOLY SEE HAS LEARNED WITH CONCERN OF THE BLOCKAGE OF  
NEGOTIATIONS AT THE GENERAL COUNCIL OF THE WORLD TRADE  
ORGANIZATION (WTO) ON THE QUESTION OF TRIP'S AND PUBLIC  
HEALTH.

THE DOHA DECLARATION ON THIS ISSUE WAS HAILED AT THE TIME BY  
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ALL SIDES AS AN IMPORTANT STEP FORWARD IN RECONCILING THE  
PUBLIC HEALTH NEEDS OF THE POOREST COUNTRIES AND THE  
IMPORTANT BENEFITS WHICH CAN COME FROM A RULES-BASED  
INTERNATIONAL REGIME FOR THE PROTECTION OF INTELLECTUAL  
PROPERTY RIGHTS.

THE AGREEMENTS AT DOHA FORESAW THAT A DEFINITIVE DECISION ON  
THIS QUESTION SHOULD BE TAKEN BY THE END OF THIS YEAR 2002.

THE HOLY SEE HAS ALSO LEARNED THAT NOW THE UNITED STATES  
SEEMS TO STAND ALONE IN ITS OPPOSITION TO THE TEXT THAT HAS  
BEEN PATIENTLY NEGOTIATED BY THE CHAIRMAN OF THE TRIP'S  
COUNCIL.

A FAILURE TO COME TO AN AGREEMENT BY THE TIME-LIMIT INDICATED  
RUNS THE SERIOUS RISK THAT ENTIRE NEGOTIATION WOULD COLLAPSE.  
IT WOULD BE A DIFFICULT TO "FREEZE" THE CURRENT AGREED TEXT  
FOR ANY SIGNIFICANT PERIOD INTO THE NEW YEAR.

THE FAILURE TO REACH A CONSENSUS WOULD RESULT IN SERIOUS  
HARM, ESPECIALLY TO MILLIONS OF PERSONS IN DEVELOPING  
COUNTRIES WHO ARE MOST EXPOSED TO HIV/AIDS, TUBERCULOSIS AND  
MALARIA, AND TO OTHER POSSIBLE SERIOUS PUBLIC HEALTH CRISIS.

SUCH A FAILURE, IN THE PRESENT CIRCUMSTANCES, WOULD RESULT  
INEVITABLY IN DAMAGE TO A RULES-BASED INTERNATIONAL TRADE  
SYSTEM, SOMETHING WHICH IS OF PARTICULAR INTEREST TO THE  
UNITED STATES.

THE HOLY SEE URGENTLY INVITES THE UNITED STATES TO EXAMINE  
ALL THE POSSIBLE WAYS WHICH ARE STILL OPEN TO ADDRESS  
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CONCERNS ON INTELLECTUAL PROPERTY PROTECTION, WITHOUT  
ENDANGERING THE ADOPTION OF A CONSENSUS DECISION AT THE WTO  
WITHIN THE TIME-LIMIT FORESEEN.

THE HOLY SEE CONSIDERS THAT THIS IS A MATTER OF SERIOUS

ETHICAL AND HUMANITARIAN CONCERN.

END TEXT.

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